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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,775	08/04/2000	Stanley J. Kostoff, II	04838-060001	2125
26161	7590	06/16/2004	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			QURESHI, SHABANA	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 06/16/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/632,775

Applicant(s)

KOSTOFF, II ET AL.

Examiner

Shabana Qureshi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant argues that neither references cited by the Examiner teach anything relevant to the invention. In response, Examiner has added clarification to the citations to guide the Applicant in understanding the Examiner's interpretation of the claims and application of the references.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregg et al (U.S. Patent No. 5,948,060).

As per claims 1 and 4, Gregg teaches that in a network of stations interconnected by a transmission medium, a method of operating a station according to a media access control protocol comprises:

- transmitting on a transmission medium (column 1, lines 8-17) a second frame transmission including information from the first frame transmission that is likely unique to the first frame transmission for conveying that the second frame transmission is a response to the first frame transmission (column 4, lines 45-67, acknowledgement frame

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is a second frame transmission to a first transmission and includes the address of the first frame, which is “likely” unique to the first frame. “likely unique” is interpreted as broadly as possible).

Gregg does not explicitly state that the first frame has a destination address corresponding to the station. However, this well-known feature is disclosed on page 39 in the International Organization for Standardization document released in 1999¹. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gregg so that the transmitting frame had a destination address because it was a required as a standard feature by the International Electrotechnical Commission, Inc.

As per claims 2 and 5, Gregg further teaches the method of claims 1 and 3, wherein the first frame transmission includes a frame check sequence (column 8, lines 40-42, a sequence is established) and the information in the second frame transmission includes a received frame check sequence field for specifying at least a portion of the frame check sequence in the first frame transmission and is to be used to determine that the second frame transmission is a response to the first frame transmission (column 8, lines 40-42; figures 3 and 4, column 11, lines 5-67, column 4, lines 45-67, numerical sequence is established including a CRC word in the link control word that is checked at the receiver to test the validity of the link-control word in the incoming frame (column 11, lines 40-42)).

As per claims 3 and 6, The ISO document released in 1999 also discloses on page 42 the use of acknowledgements, which include an indication that a response is expected. It would have

¹ “Information technology- Telecommunications and information exchange between systems – local and metropolitan area networks- specific requirements: Part 11: Wireless LAN Medium Access Control (MAC and Physical Layer (PHY) Specifications”, International Standard ISO/IEC 1999 edition, Institute of Electrical and Electronics Engineers, Inc., 1999.

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been obvious to one of ordinary skill in the art at the time the invention was made to modify Gregg so that the transmitting frame had a destination address because it was a required as a standard feature by the International Electrotechnical Commission, Inc.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shabana Qureshi whose telephone number is (703) 308-6118. The examiner can normally be reached on Monday - Friday, 8:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Shabana Qureshi
Examiner
Art Unit 2155

22 September 2003


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER